



ZONING ADMINISTRATOR NOTICE OF DECISION

Date: May 12, 2015
Applicant: Village Club Card Room/Harvey Souza
Case No.: PCC-15-015
Address: 285 Bay Boulevard
Assessor's Parcel No.: 567-021-36
Project Planner: Miguel Z. Tapia

Notice is hereby given that on May 12, 2015 the Zoning Administrator considered Conditional Use Permit (CUP) application PCC-15-015, filed by the Village Club Card Room/Harvey Souza ("Applicant"). The Applicant requests a modification to Conditional Use Permit PCC-12-004, approved by the Planning Commission of the City of Chula Vista on June 13, 2012, to allow the Card Room to increase the number of tables from the 18 game tables previously approved by the CUP to twenty (20) gaming tables, while maintaining the maximum number of people playing at any one time at 234 ("Project"). The Village Club Card Room is located at 285 Bay Boulevard ("Project Site"). The project site is owned by VC Bay Properties, LLC ("Property Owner") and is zoned Commercial Thoroughfare (CT) and designated Commercial Visitor (CV) by the General Plan. The CT zone allows Card Rooms through the issuance of a Conditional Use Permit.

The Project has been reviewed for compliance with the California Environmental Quality Act (CEQA) and it has been determined that the Project qualifies for a Class 1 categorical exemption pursuant to Section 15301 (use of existing facilities) of the State CEQA Guidelines. No further environmental review is necessary.

The Zoning Administrator, under the provisions of Sections 19.14.030.A and 19.89 of the Chula Vista Municipal Code (CVMC), has been able to make the findings for approval of this conditional use permit as required by CVMC Section 19.14.080 as follows:

- 1. That the proposed use at this location is necessary or desirable to provide a service or facility which will contribute to the general well being of the neighborhood or the community.*

The proposed Card Room has been operating in the City for several decades without major incidents and/or problems. The proposed site on Bay Boulevard represents a desirable location for the Card Room because it offers a setting with less traffic than its previous location on Broadway, located away from a primarily residential district, and containing amenities such as more parking and better access and circulation, which are more conducive to the operation of the Card Room. The proposed addition of two tables is desirable because it will add variety and choices to players in the entertainment venue, while keeping the number of players (234) at the same level as approved by PCC-12-004. The enhancement to the venue and choices for players will contribute to the wellbeing of the community.

2. *That such use will not under the circumstances of the particular case be detrimental to the health, safety or general welfare of persons residing or working in the vicinity or injurious to property or improvements in the vicinity.*

The addition of two game tables will not be detrimental to the persons residing or working in the vicinity nor injurious to property, because the Card Room is located in an area with a zoning designation for the provision of entertainment facilities, such as card rooms and restaurants-bars. The Card Room with the previously approved number of tables and the proposed two additional tables is consistent with the uses permitted in the CT zone. Currently, there are no residential properties or residents in the vicinity of the Subject Property, and they are not expected to be in the near future. The Subject Property has sufficient parking to fully meet the minimum parking requirements of the Chula Vista Municipal Code. While the number of tables will increase from 18 to 20, the total number of players will remain as previously approved at 234 players. This will not create additional demand for parking and will not be detrimental to the health, safety or general welfare of the vicinity.

3. *That the proposed use will comply with the regulations and conditions specified in the code for such use.*

The use of the Subject Property for a card room facility is permitted within the CT zone by way of PCC-12-004. The existing building on the subject property is in conformance with current development standards, including parking, access/circulation and landscaping. In addition, the proposed Card Room operation is consistent with the provisions of the City's Gaming Ordinance (Gaming Plan). The Gaming Plan establishes the rules and regulations related to the Card Room operations, such as type and number of tables and players that can participate in the table games. The Gaming Ordinance allows up to 20 gaming tables. The conditions of this permit are approximately in proportion to the nature and extent of the impact created by the use in that the conditions imposed are directly related to, and of a nature and scope related to the size and impact of the use. Thus the addition of two tables complies with the regulations and conditions of the Code.

4. *That the granting of this Conditional Use Permit will not adversely affect the General Plan of the City or the adopted plan of any government agency.*

The proposed addition of two tables to the Card Room will not adversely affect the General Plan of the City or the adopted plan of any government agency. The proposed Card Room is consistent with the land use designation of the General Plan for Visitor Commercial, which includes entertainment uses such as card rooms. The additional tables do not affect or change the nature of the land use, and thus the use still remains consistent with the General Plan and the Local Coastal Program. Because the proposed Card Room is consistent with and meets the requirements of the Zoning Ordinance, it helps implement the vision and objectives of the General Plan.

5. *That the proposed conditional use, if located in the coastal zone, is consistent with the certified local coastal program and is consistent with the intent of the zoning district.*

The proposed Card Room and ancillary uses are consistent with the Local Coastal Program and the intent of the CT zoning district. The proposed Card Room is listed as a conditionally-

permitted use in the CT zone subject to approval of a Conditional Use Permit. The proposal is also consistent with the LCP because it does not represent an intensification of the land use. The conditions included in the CUP will ensure that the proposal is consistent with and meets all the requirements of the CT Zone and the Local Coastal Program.

BASED ON THE FINDINGS ABOVE, THE ZONING ADMINISTRATOR hereby approves Conditional Use Permit PCC-15-015, as described above subject to the following conditions of approval:

I. Prior to the approval by the City of Chula Vista for the use of the subject property in reliance upon this approval, the Applicant shall satisfy the following requirement:

1. The Applicant/Representative and Property Owner shall execute this document by making a true copy and signing both this original Notice of Decision and the copy on the lines provided below, said execution indicating that the Applicant/Representative and Property Owner have each read, understood and agreed to the conditions contained herein, and will implement same. Upon execution, the true copy with original signatures shall be returned to the Development Services Department. Failure to return the signed true copy of this document within 30 days of the effective date herein shall indicate the Applicant/Representative and Property Owner's desire that the project, and corresponding application for building/grading permits and/or business license, be held in abeyance without approval.

Signature of Applicant/Authorized Representative

Date

Signature of Property Owner/representative

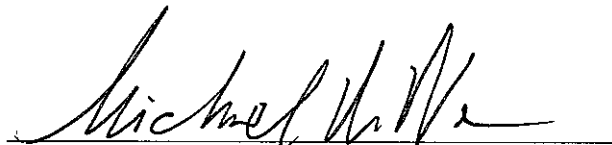
Date

II. The following on-going conditions shall apply to the Project as long as it relies upon this approval.

2. The Applicant and Property Owner shall maintain the Project in accordance with the plans presented with the application for this CUP (PCC-15-015), which include a site plan, floor plan, building elevations, and landscape plan, on file in the Planning Division, the conditions contained herein, and Title 19.
3. The Applicant/Property Owner shall comply with all the conditions, regulations and standards as specified in the City's Gaming Plan as it now exists or as amended from time to time by the City Council.
4. The Applicant and Property owner shall comply with all the conditions contained in the Conditional Use Permit PCC-12-004 approved by the Planning Commission of the City of Chula Vista for the Village Club Card Room at 271 and 285 Bay Boulevard, which conditions shall be incorporated herein and be part of this CUP (PCC-15-015).

5. Approval of this Project shall not waive the Applicant's responsibility to comply with all sections of Title 19 of the CVMC, and all other applicable City Ordinances in effect at the time of building permit issuance or the approval of this Conditional Use Permit.
6. The Applicant/Property Owner shall execute this Conditional Use Permit as the authorized use only. Any new use or modification/expansion of uses shall be subject to the review and approval of the Zoning Administrator.
7. The Applicant/Representative and Property Owner shall and does hereby agree to indemnify, protect, defend and hold harmless the City, its City Council members, officers, employees and representatives, from and against any and all liabilities, losses, damages, demands, claims and costs, including court costs and attorney's fees (collectively, liabilities) incurred by the City arising, directly or indirectly, from (a) City's approval and issuance of this Conditional Use Permit, (b) City's approval or issuance of any other permit or action, whether discretionary or non-discretionary, in connection with the use contemplated herein, and Applicant/operator shall acknowledge their agreement to this provision by executing a copy of this Conditional Use Permit where indicated above. The Applicant/Representative and Property Owner's compliance with this provision is an express condition of this Conditional Use Permit and shall be binding on any and all of Applicant/Operator's successors and assigns.
8. Any violations of the terms and conditions of this permit may result in the imposition of civil or criminal penalties and/or the revocation or modification of this permit.
9. If any of the foregoing conditions fail to occur, or if they are, by their terms, to be implemented and maintained over time, if any of such conditions fail to be so implemented and maintained according to their terms, the City shall have the right to revoke or modify all approvals herein granted, deny, or further condition issuance of all future building permits, deny, revoke, or further condition all certificates of occupancy issued under the authority of approvals herein granted, institute and prosecute litigation to compel their compliance with said conditions or seek damages for their violation. Applicant or a successor in interest gains no vested rights by the City's approval of this Conditional Use Permit.

APPROVED BY ZONING ADMINISTRATOR OF THE CITY OF CHULA VISTA,
CALIFORNIA, this 12th day of May 2015.

A handwritten signature in black ink, appearing to read "Michael Walker", is written over a horizontal line.

Michael Walker
Zoning Administrator